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11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 KARTIKA SHETTY, M.D., F.A.C.P.,

14 2:20-cv-909-KJD-BNW

15 Plaintiff,

16 STIPULATION AND THIRD REQUEST TO  
17 EXTEND DATE FOR FEDERAL  
18 DEFENDANTS TO FILE RESPONSE TO  
19 COMPLAINT  
20 (Third Request)

21 U.S. CITIZENSHIP AND IMMIGRATION  
22 SERVICES, et. al.,

23 Current Date: December 11, 2020  
24 New Date: January 11, 2021

Defendants.

25 It is hereby agreed and stipulated by all parties, through their respective counsel, that the due date  
26 for the federal defendants to file their response to the complaint (#1) may be extended to January 11,  
27 2021. This is the third request to extend the due date for the defendants' response to the complaint. It is  
28 requested the Court approve the requested extension of time based on the following:

29 1. Plaintiff Shetty filed his complaint (#1) on May 20, 2020. The complaint seeks to challenge  
30 the denial of Shetty's petition for an "EB-1" visa which sought classification of Shetty as an alien with  
31 extraordinary ability in the field of internal medicine education. *See* Complaint (#1), para. 1.

32 2. By stipulated order (#18) entered July 17, 2020, the deadline for the defendant federal agencies  
33 to respond to the complaint was extended to October 26, 2020, based on USCIS's issuance of an  
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1 administrative request for evidence (RFE) to obtain additional information from Shetty relevant to his  
2 visa application.

3       3. By stipulated order (#20) entered October 14, 2020, the deadline was extended to December  
4 11, 2020, based on the expectation that additional information relevant to Shetty's visa application would  
5 be received in due course and USCIS would then be in a position to review the materials and make a visa  
6 eligibility determination thereon.

7       4. USCIS received additional materials in late October 2020 in response to its RFE and relevant  
8 to Shetty's visa eligibility. Due to the volume of materials to review and the work constraints imposed  
9 by the current Covid-19 public health crisis, the USCIS adjudication officer will not be able to review  
10 the additional materials and issue a visa eligibility determination during the time period prior to the  
11 current deadline for responding to the complaint.

12       5. The USCIS adjudication officer anticipates completion of the visa eligibility assessment and  
13 issuance of a decision thereon in late December 2020.

14       6. The requested extension of time is requested in order to provide time for the USCIS  
15 adjudication officer to review and evaluate the additional materials provided by Shetty and to issue a visa  
16 eligibility determination consistent with those materials.

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Based on the foregoing, the parties request the Court approve the stipulation and the proposed extension of time to January 11, 2021, for the filing of defendants' response to the complaint.

/s/ Daniel Pierce  
DANIEL PIERCE, ESQ.  
Counsel for Plaintiff

/s/ Greg Addington  
GREG ADDINGTON  
Assistant United States Attorney  
Counsel for Federal Defendants

## ORDER

## IT IS SO ORDERED

**DATED:** 1:42 pm, December 04, 2020

**BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE**